

PUBLIC NOTICE

File Number: NRS 09.290 Notice Date: Expiration Date: October 7, 2009 November 5, 2009

Pursuant to Chapter 1200-4-7 of the Department's rules, the proposed activity described below has been submitted for approval under an Aquatic Resource Alteration Permit (this also includes §401 Water Quality Certifications). This notice is intended to inform interested parties of this permit application and to ask for comments and information necessary to determine possible impacts to water quality. No decision has been made whether to issue or deny this application.

APPLICANT: Tennessee Department of Transportation (TDOT)

Environmental Division J.K. Polk Building, Suite 900

505 Deaderick Street

Nashville, Tennessee 37243

615-253-2477

LOCATION: The proposed alterations are located at the SR-27 (US-72)/ I-24 Interchange near Kimball/South Pittsburg in Marion County. (Lat: 35.0401°, Long: -85.6903°).

PROJECT DESCRIPTION and PURPOSE: The applicant proposes to construct an exit ramp on the north side of the existing SR-27 (US-72)/ I-24 interchange at Kimball/South Pittsburg. Construction will include the permanent impact to approximately 7.5 acres of wetland, a total of 206 ft. of stream impact in two (2) unnamed tributaries to Battle Creek for culvert extension and partial relocation, and utility relocation. The applicant proposes to provide in-system compensatory mitigation for 7.5 acres of permanent wetland impacts by debiting, at a ratio of 2:1, 15 acres of available credits at the Sequatchie Valley Mitigation site, which is approximately 8.4 miles northeast of the project area. The applicant proposes to provide compensatory mitigation for approximately 206 ft. of stream impacts, using the in-lieu fee program, and making a payment of \$41,200 to the Tennessee Stream Mitigation Program (TSMP).

DEGRADATION: In accordance with the Tennessee Antidegradation Statement (Rule 1200-4-3-.06), the division has determined that the proposed activities will not result in degradation to water quality.

WATERSHED DESCRIPTION:

Watershed: Guntersville Lake

Hydrologic Unit Code: 06030001

Stream Name(s): Two (2) unnamed tributaries to Battle Creek, and 3 wetland

areas

Designated UseUse Supportfish and aquatic lifenot assessedrecreationnot assessedirrigationnot assessedlivestock watering and wildlifenot assessed

Ecoregion: 68b

PERMIT COORDINATOR: Chip Hannah

COMMENTING: Persons wishing to comment on the proposal are invited to submit written comments to the Department. Written comments must be received within **thirty (30) days of the date that this notice is posted**. Comments will become part of the record and will be considered in the final decision. The applicant's name and permit number should be referenced. Send all written comments to the Department's address listed below and to the attention of the permit coordinator.

PUBLIC HEARING: Interested persons may request in writing that the department hold a public hearing on this application. The request must be filed within the comment period, indicate the interest of the person requesting it, the reasons that the hearing is warranted, and the water quality issues being raised. When there is sufficient public interest in water quality issues, the Department will hold a public hearing. Send all public hearing requests to the Department's address listed below and to the attention of the permit coordinator.

APPEAL: A petition for permit appeal may be filed, pursuant to T.C.A. §69-3-105 by the permit applicant or by any aggrieved person who participated in the public comment period whose appeal is based upon any of the issues that were provided to the commissioner in writing during the public comment period or in testimony at a formal public hearing on the permit application. Any petition for permit appeal shall be filed with the board within **thirty (30) days** after public notice of the commissioner's decision to issue or deny the permit. Such petition must state in numbered paragraphs the basis of the appeal as required by the Administrative Procedures Act and promulgated regulations. The petition must be prepared on 8½" x 11" paper, addressed to the Water Quality Control Board and filed in duplicate at the address listed below. Any hearing would be in accordance with T.C.A. §§69-3-110 and 4-5-301 et seq.

FILE REVIEW: The permit application, supporting documentation including detailed plans and maps, and related comments are available at the Department's address (listed below) for review and/or copying.

Tennessee Department of Environment & Conservation
Division of Water Pollution Control, Natural Resources Section
7th Floor, L & C Annex
401 Church Street
Nashville, TN 37243
615-532-0645



























